

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| JASON L. WESTERFIELD, |) | CASE NO. 1:19-CV-911 |
| |) | |
| |) | |
| PETITIONER, |) | JUDGE SARA LIOI |
| |) | |
| vs. |) | |
| |) | MEMORANDUM OPINION |
| WARDEN BRANDESHAWN HARRIS, |) | |
| |) | |
| |) | |
| RESPONDENT. |) | |

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. (Doc. No. 11.) Under the relevant statute:

[. . .] Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). In this case, the fourteen-day period has elapsed and no objections have been filed. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and adopts the same. Accordingly, this case is *sua sponte* DISMISSED. Further, the Court CERTIFIES that an appeal from this decision could not be taken in good faith, and that

there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed.

R. App. P. 22(b). This case is closed.

IT IS SO ORDERED.

Dated: January 3, 2020



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE